

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>ROBERT EARL TAYLOR,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 1:16-CV-08110</b>
	)	<b>Judge Virginia M. Kendall</b>
<b>LT. TODD, et al.,</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>Defendants.</b>	)	

**PLAINTIFF’S MOTION TO EXCUSE FILING  
AN AMENDED COMPLAINT**

NOW COMES James M. Roche of THEISEN & ROCHE, LTD., attorney plaintiff,  
**ROBERT EARL TAYLOR**, and respectfully moves this Court for entry of an Order excusing  
the filing of an amended complaint and, in support of said motion, states follows:

1. On September 1, 2016, Attorney James M. Roche was appointed by this court to represent plaintiff in the above matter.
2. This court’s order of September 1, 2016 gave plaintiff’s counsel 60 days to consult with the plaintiff, investigate his claims, and file an amended complaint, if able to do so in accordance with Federal Rules of Civil Procedure 11. The time to investigate the claim and file an amended complaint was extended to January 23, 2017, pursuant to two motions to extend.
3. On November 9, 2016, Mr. Roche attended a seminar on federal civil rights cases sponsored by the United States District Court for the Northern District of Illinois and, therefore, is fully aware of his duties and responsibilities to Mr. Taylor.
4. On January 19, 2017, plaintiff’s attorney, James M. Roche, completed his

investigation of Mr. Taylor's claim. For the following reasons, Mr. Roche does not believe he can file an amended complaint in accordance with Federal Rules of Civil Procedure 11.

5. Mr. Roche's investigation consisted of the following:
  - a) After reviewing the pleadings, Mr. Roche met personally with Mr. Taylor at the East Moline Correctional Center on September 30, 2016 and obtained a complete and thorough history of Mr. Taylor's claim
  - b) As a result of the meeting, it became apparent that certain documents were necessary to completely and fairly evaluate Mr. Taylor's claim. Therefore, on October 17, 2016, Mr. Roche served a subpoena on Jerome Combs Detention Center (Combs) and Elgin Mental Health Center;
  - c) Mr. Roche received and reviewed the records from Elgin Mental Health Center on or about November 7, 2016. After numerous conversations with individuals at Combs, Mr. Roche received Comb's records on November 22, 2016;
  - d) After reviewing the records, it became apparent that a 30(b)(6) deposition was necessary to fully investigate Mr. Taylor's claim;
  - e) On January 19, 2017, Mr. Roche took the deposition of Heather Gill, RN. Ms. Gill was identified by Combs as the person most knowledgeable concerning issues related to Mr. Taylor's claim. Ms. Gill testified that Mr. Taylor was initially booked and processed at Combs on September 22, 2015. Ms. Gill's testimony is supported by Ex. 1 attached hereto. Ms. Gill testified that Mr. Taylor did not have his medications with him when he was booked and processed. Ms. Gill testified that Mr. Taylor requested his medications on a form dated September 22, 2015. See Ex. 2 attached hereto. Although the form was dated September 22, 2015, it is unclear when the medical office received the form. Ms. Gill testified that the medical office responded to Mr. Taylor's request on September 26, 2015 by asking Mr. Taylor to provide his pharmacy and location. See Exhibit 2. Ms. Gill testified that the medical office also contacted Mr. Taylor's treating physician to obtain a list of Mr. Taylor's medications and dosages. Ms. Gill testified that Mr. Taylor's medications were ordered on September 29, 2015 and received and administered on September 30, 2015. Ms. Gill's testimony is supported by Exhibits 3, 4, 5, 6 and 7 attached hereto. Ms. Gill testified that Mr. Taylor's initial medical examination occurred on October 22, 2015. Although Mr. Taylor was originally scheduled to be seen on October 6, 2015, Mr. Taylor refused

said examination. Ms. Gill testified that between the date Mr. Taylor was admitted and the date of the first physical examination (10/22/16), Mr. Taylor did not complain of any feelings of ill being. Ms. Gill testified that on October 22, 2015, at Mr. Taylor's physical examination, Mr. Taylor did not complain of any feelings of ill being. Ms. Gill's testimony is supported by Ex. 8 attached hereto. A copy of Ms. Gill's deposition was not ordered, however, it can be ordered and provided to the court for the court's review.

6. The basis of Mr. Taylor's claim is Comb's failure to provide medications in a timely fashion when he was initially processed. Specifically, Mr. Taylor alleges he went without his medications for three (3) weeks. See Ex. 9 attached hereto. Although Mr. Taylor alleges incidents of excessive force, these incidents are not related to Comb's alleged failure to provide medication in a timely manner and, therefore, require a separate lawsuit as noted in this court's order dated September 1, 2016.

7. As a result of the investigation, Mr. Roche does not believe that he can file an amended complaint in accordance with Federal Rules of Civil Procedure 11. Mr. Roche is willing to reveal to the court, in chambers, as much as is necessary for the court to understand why he believes that he cannot file an amended complaint in accordance with Federal Rules of Civil Procedure 11.

8. Mr. Roche also believes that this case will be transferred to the Central District of Illinois, in light of the fact that all events occurred in Kankakee County. Mr. Roche does not maintain an office within the Central District's boundaries and it would be a hardship for Mr. Roche to travel to the Central District to prosecute this claim.

9. On January 24, 2017, Mr. Roche spoke with Robert Earl Taylor and advised him of the results of the investigation and further advised him that he would be presenting this motion

on January 25, 2017.

**WHEREFORE**, for the above and foregoing reasons, plaintiff prays this court enter an order excusing the filing of an amended complaint and for any other relief the court deems appropriate.

Respectfully submitted

**THEISEN & ROCHE, LTD.**

By: /s/ James M. Roche  
James M. Roche

James M. Roche  
**THEISEN & ROCHE, LTD.**  
2100 Manchester Road, Suite 201  
Wheaton, IL 60187  
(630) 871-9003 - Phone  
(630) 653-2525 - Fax  
ARDC # 6197061



# Booking Card

Taylor, Robert E

Print Date/Time: 11/22/2016 13:04  
Login ID: ckolitwenzew

Kankakee County Sheriff's Office  
ORI Number: IL0460000



2015-00003420

Booking #: 2015-00003420 Booking Date/Time: 09/22/2015 00:24  
Jacket #: 214958 Inmate #: 214958/ No#  
Address: 2728 S 12000E RD  
Pembroke Township, IL 60958  
Phone #: (815)944-8365 DOB: [REDACTED] Race: Black  
SSN: Age: 30 Sex: Male  
Hair Color: Black Eyes: Brown Height: 5ft 9 in



Weight: 140.0

Prisoner Type: Remanded Incarceration Reason: Felony  
Facility: Pod/Block: Cell: Bed:

Charge: State 0610 720 ILCS 5.0/19-1-A BURGLARY  
Offense/Charge Date: 09/22/2015 00:26 Warrant Number:  
Case Tracking ORI: IL0460200 Case Tracking #: 2015-00003420  
Bond/Bail Set Type: Sentenced To IDOC Bond/Bail Set Date: 09/23/2015 13:38  
Bond Posted By: Bond Post Date: Bond Post Amt:  
Severest: No

Release Date/Time: 05/12/2016 08:20 Released By: 6863 - Emery  
Release Reason: Shipped To DOC Released to ORI:  
Released To: Released to Additional Info: Shipped to IDOC

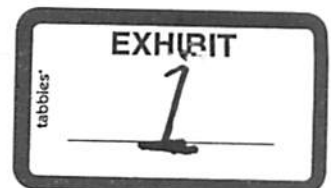
I will have opportunity to contact family or counsel.

Inmate Signature: \_\_\_\_\_

Booking Officer(s): # \_\_\_\_\_ # \_\_\_\_\_

Reviewed By: # \_\_\_\_\_

\_\_\_\_\_  
Date/Time





Kankakee County Sheriff's Police  
Timothy F. Bukowski, Sheriff

Inmate ID# 214958

Kankakee County Sheriff's Department Sick Call Slip/Request Form

Name Robert Taylor Location E-Dorm  
Problem Need meds Lisdex, M9, omg, clonazepam, Lisinpril

Signature Robert Taylor Date 9-22-15

Clinic Staff Only

Date request is received \_\_\_\_\_ Health Care staff initials \_\_\_\_\_

Non-emergent priority:

Level 1

Level 2

Level 3

Level 4

Comment Please provide the pharmacy and location so we can get them.

- ☐ You will be scheduled to see the medical provider
- ☐ You will be scheduled to see a qualified mental health provider
- ☐ You will be scheduled to see the dentist

Nurse He Date 9/20/15

The cost of your medical care will be determined by your ability to pay and will be assessed to you by the Nurse, Medical Provider, or Jail Administrator as per 730 ILCS 125/20. No one will be denied medical care because of an ability to pay. Inmates who do not have money on the account will be seen by the medical staff, and a negative balance will be placed on their account.



Kankakee County Detention Center

3000 Justice Way  
Kankakee, IL 60901

Phone: (815) 802-7200 Fax: (815) 802-7296

License #: Jeffery D. Long, MD 036-075630 Clyde Dayhoff, DO 036-096344 Brent Huffines, PA 085-003288

Robert E Taylor, 2728 S 12000E RD, Pembroke Township, IL 60958  
DOB: [REDACTED] 1986

Date: 09-29-2015

LATUDA, 20MG # 365

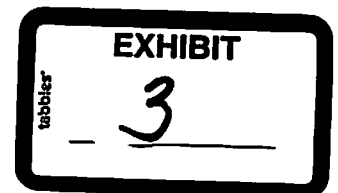
Sig: Take 1 Tablet by mouth 1 time per day for 365 days

Refill: 0

Form: Tablet

Brent Huffines  
May substitute

Brent Huffines, PA



Kankakee County Detention Center

3000 Justice Way  
Kankakee, IL 60901

Phone: (815) 802-7200 Fax: (815) 802-7296

License #:	Jeffery D. Long, MD	Clyde Dayhoff, DO	Brent Huffines, PA
	036-075630	036-096344	085-003288

Robert E Taylor, 2728 S 12000E RD, Pembroke Township, IL 60958

DOB: [REDACTED] 1986

Date: 09-29-2015

DEPAKOTE, 500MG # 1095

Sig: 1 time per day for 365 days

Refill: 0

Brent Huffines  
May substitute

Brent Huffines, PA





Kankakee County Detention Center

3000 Justice Way  
Kankakee, IL 60901

Phone: (815) 802-7200 Fax: (815) 802-7296

	Jeffery D. Long, MD	Clyde Dayhoff, DO	Brent Huffines, PA
License #:	036-075630	036-096344	085-003288

Robert E Taylor, 2728 S 12000E RD, Pembroke Township, IL 60958  
DOB: [REDACTED] 1986

Date: 09-29-2015

LISINOPRIL/HYDROCHLOROTHI, 20/25 # 730

Sig: Take 1 Tablet by mouth 2 times per day for 365 days

Refill: 0

Form: Tablet

Brent Huffines  
May substitute

Brent Huffines, PA



Kankakee County Detention Center

3000 Justice Way  
Kankakee, IL 60901

Phone: (815) 802-7200 Fax: (815) 802-7296

	Jeffery D. Long, MD	Clyde Dayhoff, DO	Brent Huffines, PA
License #:	036-075630	036-096344	085-003288

Robert E Taylor, 2728 S 12000E RD, Pembroke Township, IL 60958

DOB: ██████-1986

Date: 09-29-2015

MIRTAZAPINE, 15MG # 182.5

Sig: Take ( 1/2) Tablet by mouth 1 time per day for 365 days

Refill: 0

Form: Tablet

Brent Huffines  
May substitute

Brent Huffines, PA



No Photo Available

Taylor, Robert E, #214958 @ RELEASE

Male, 30 years old, DOB 1986

Allergies: Geodon, Zyprexa

Diagnoses: ANXIETY,BIPOLAR DISORDER NOS,HYPERTENSION,SCHIZOPHRENIA UNSPECIFIED STATE

2015-09	01 Tue	02 Wed	03 Thu	04 Fri	05 Sat	06 Sun	07 Mon	08 Tue	09 Wed	10 Thu	11 Fri	12 Sat	13 Sun	14 Mon	15 Tue	16 Wed	17 Thu	18 Fri	19 Sat	20 Sun	21 Mon	22 Tue	23 Wed	24 Thu	25 Fri
02 - AM LISINOPRIL/HYDROCHLOROTH 20/25 Take 1 Tablet by mouth 2 times per day for 365 days Req Start: 9/29/2015 Req End: 9/27/2016 Discontinued: 5/12/2016 Quantity per Dose: 1.00																									
04 - PM DEPAKOTE 500MG 1 time per day for 365 days Req Start: 9/29/2015 Req End: 9/27/2016 Discontinued: 5/12/2016 Quantity per Dose: 3.00																									
04 - PM LATUDA 20MG Take 1 Tablet by mouth 1 time per day for 365 days Req Start: 9/29/2015 Req End: 9/27/2016 Discontinued: 10/22/2015 Quantity per Dose: 1.00																									
04 - PM LISINOPRIL/HYDROCHLOROTH 20/25 Take 1 Tablet by mouth 2 times per day for 365 days Req Start: 9/29/2015 Req End: 9/27/2016 Discontinued: 5/12/2016 Quantity per Dose: 1.00																									
04 - PM MIRTAZAPINE 15MG Take ( 1/2) Tablet by mouth 1 time per day for 365 days Req Start: 9/29/2015 Req End: 9/27/2016 Discontinued: 5/12/2016 Quantity per Dose: 0.50																									

Legend									
White	Outside Prescription/Order's start and end date	Green	Dose/Treatment was administered	Red	Dose/Treatment was NOT administered	Blue	Future Dose/Treatment to be administered	Yellow	Missed Dose/Treatment
Purple	Treat ONCE during this time	Silver	Dose/Treatment is NOT to be administered	Orange	PRN - Dispense/Treat as needed	Pink	Dose previously dispensed (KOP)		

Details							
Date	Yes-No-KOP	Shift	Medication/Order	User	Reason	Comments	
9/29/2015	MISSED	02 - AM	LISINOPRIL/HYDROCHLOROTH 20/25	SYSTEM	NA	NA	
9/29/2015	MISSED	04 - PM	LATUDA 20MG	SYSTEM	NA	NA	
9/29/2015	MISSED	04 - PM	DEPAKOTE 500MG	SYSTEM	NA	NA	
9/29/2015	MISSED	04 - PM	LISINOPRIL/HYDROCHLOROTH 20/25	SYSTEM	NA	NA	
9/29/2015	MISSED	04 - PM	MIRTAZAPINE 15MG	SYSTEM	NA	NA	
9/30/2015	MISSED	02 - AM	LISINOPRIL/HYDROCHLOROTH 20/25	SYSTEM	NA	NA	
9/30/2015	YES	04 - PM	LATUDA 20MG	BWAGNER	NA	NA	
9/30/2015	YES	04 - PM	DEPAKOTE 500MG	BWAGNER	NA	NA	
9/30/2015	YES	04 - PM	LISINOPRIL/HYDROCHLOROTH 20/25	BWAGNER	NA	NA	
9/30/2015	YES	04 - PM	MIRTAZAPINE 15MG	BWAGNER	NA	NA	



Taylor, Robert E, 07-28-1986, #214958  
10-22-2015 Encounter as of 11-22-2016 Tue 12:36:33 PM

CHRONIC DISEASE CLINIC INITIAL:

Inmate Name: Robert E Taylor  
Jail ID Number: 214958  
Institution: Kankakee Co. Sheriff's Dept., , ,

CURRENT MEDICATIONS:

CLONAZEPAM 1MG  
DEPAKOTE 500MG  
LAMICTAL XR 50MG  
LATUDA 120MG  
LISINAPRIL/HYDROCHLOROTHI 20/25  
MIRTAZAPINE 15MG  
NAPROXEN 500MG

ALLERGIES:

Geodon  
Zyprexa

HISTORY:

MEDICAL HISTORY:

HTN

SURGICAL HISTORY:

Denies Past Surgical History.

MENTAL HEALTH HISTORY:

Schizophrenia  
Bipolar Disorder  
Anxiety

FAMILY HISTORY:

Hypertension: Mother, and Grandparent  
Diabetes: Grandparent  
Cystic Fibrosis: Sibling

SOCIAL HISTORY:

Smoking: YES, < 1 ppd  
Alcohol: NO  
Drugs: YES - Marijuana

CHRONIC DISEASES:

300.00 ANXIETY  
296.80 BIPOLAR DISORDER NOS  
401.9 HYPERTENSION  
295.00 SCHIZOPHRENIA UNSPECIFIED STATE

PERSONAL RISK FACTORS:

Smoking:	Yes 1/2 ppd
High Blood Pressure:	Yes Managed by medication
Alcohol:	No
Substance Abuse:	Yes Habitually - Marijuana

CLINIC HISTORY:

CARDIOVASCULAR/HTN/DIABETES HISTORY:

Anticoagulant:

NO

Chest Pain:

NO

Shortness of Breath:

NO

Palpitation:

NO

Peripheral Vascular Disease:

NO

Orthopnea:

NO

Leg Swelling:



Taylor, Robert E, 07-28-1986, #214958  
10-22-2015 Encounter as of 11-22-2016 Tue 12:36:33 PM

NO  
Claudication:  
NO  
Heart Attack/Surgery:  
NO  
CVA/Stroke:  
NO  
Rheumatic Fever:  
NO  
Dyslipidemia:  
NO  
Headache:  
NO  
Syncope/Dizziness:  
NO  
Hypoglycemic Episodes:  
NO  
Kidney Disease:  
NO  
Weight Gain/Loss:  
NO  
Blurred Vision:  
NO  
Foot Problems:  
NO  
Nocturia:  
NO  
Polyuria:  
NO

Pt states does well on MH meds. Denies SI/HI.

GENERAL DESCRIPTION::

Robert E Taylor is a well-developed, well-groomed, well-nourished, and in no acute distress 29 year old male presenting for initial chronic disease clinic visit.

Current Medications:

CLONAZEPAM 1MG  
DEPAKOTE 500MG  
LAMICTAL XR 50MG  
LATUDA 120MG  
LISINOPRIL/HYDROCHLOROTHI 20/25  
MIRTAZAPINE 15MG  
NAPROXEN 500MG

Allergies:

Geodon  
Zyprexa

PHYSICAL EXAM:

Vital Signs:

Temp:  
Blood Pressure: 128 / 76  
Pulse: 84  
Resp: 18  
Height:  
Weight: 234 lbs

SKIN:

Warm, dry, normal color. Turgor elastic.

HEENT:

NC. AT. PERL. EOM. BTM's gray and shiny. + LR. MMM. OP clear.

NECK:

Supple. FROM. NT. MLT. No JVD. No lymphadenopathy. No carotid bruits. No meningismus.

RESP/THORAX:

CTA. No rales, rhonchi or wheezes.

CARDIOVASCULAR:

S1 S2. RRR. No murmurs or rubs. CRT < 2 seconds. Pulses 2+.

ABDOMEN:

Soft, NT, ND, normal bowel sounds. No arterial

Taylor, Robert E, 07-28-1986, #214958  
10-22-2015 Encounter as of 11-22-2016 Tue 12:36:33 PM

bruits.

MS/EXTREMITIES:

FROM. MSS 5/5. No rashes, lesions, clubbing, cyanosis or edema.

NEUROLOGIC:

A/O x 3. DTRs 2+ and symmetrical. No gross focal deficit. Memory intact. Speech clear. Gait steady. Cerebellar intact.

PSYCH/MH:

WNL.

DATA REVIEW: No labs at this time

ASSESSMENT:

300.00 ANXIETY

296.80 BIPOLAR DISORDER NOS

401.9 HYPERTENSION

295.00 SCHIZOPHRENIA UNSPECIFIED STATE

EDUCATION PROVIDED:

Disease Process: Management of disease process discussed.

Medication Management: Continue as ordered.

Nutrition: Adhere to low fat / low salt diet.

Smoking/Tobacco Use: Discussed effects of tobacco use on body as well as need and benefits of cessation..

Alcohol/Substance Abuse: Explained to patient available substance abuse programs.

Exercise: At least five (5) days a week for 30 minutes each day.

PLAN:

MEDICATION: Continue as prescribed

DIET: Low Salt Diet electronically initiated.

BP CHECKS: Task for weekly blood pressure checks for 90 days initiated.

EDUCATION: Inmate instructed to exercise at least 30 minutes each day for 5 days every week.

LABWORK: Task initiated for following labwork to be performed now and in 3 months (no UA in 3 months) - CBC, CMP, TSH, HgbA1C, UA Microalbumin, and fasting Lipid Panel.

FOLLOW-UP:

Appointment with QMHP in electronically created.

Patient is to return for Chronic Care with Physician in 3 months. Electronic appointment created.

Return to clinic if you experience new or worsening symptoms.

Follow Up as needed

Electronic Signature:

Electronically Approved by Brent Huffines, PA on 10-22-2015 02:14:42 PM.

Chart reviewed, meds/labs ordered. akimps rn

Electronic Signature:

Electronically Approved by Angie Kimps, RN on 10-22-2015 02:28:55 PM.